



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/531,565	03/20/00	BITELLI	725772073-2

PM92/0126
WATSON COLE GRINDLE WATSON P L L C
10TH FLOOR
1400 K STREET N W
WASHINGTON DC 20005-2477

EXAMINER
HURLEY, R

ART UNIT	PAPER NUMBER
3619	

DATE MAILED: 01/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/531,565

Applicant(s)
Bitelli

Examiner
Kevin Hurley

Group Art Unit
3619



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. The specification, on page 4 line 28 and page 6 line 17, incorporates essential material by reference to Italian patent V198U000098. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5, and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 2-5 and 8 it is unclear how the second actuator can be considered integral with the frame when it pivots relative to the frame via links 18.

In claim 9 line 9 "a position signal of said rear wheel or track" is recited but no structure for producing the signal is recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 (as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Files.

Files discloses a steerable machine comprising:

a frame 12;

at least one pair of rollable front supports 15 and at least one pair of rollable rear supports, each of said front and rear supports including a chassis 45 secured to the frame and said front supports being rotatable about a front vertical axis 22 and at least one of the rear supports being pivotable about a rear vertical axis;

at least one driver's cab located in the frame;

a means 14 for breaking up the ground connected to the frame;

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traction means supported by the frame for rotating at least one of the rotatable supports;

at least one first actuator 51 operatively coupled to the rear supports;

a maneuvering system accessible from the drivers's cab for operating the actuator.

said chassis includes a yoke 23 that supports the rear support, and has a vertical pivot journal coupled to revolve on a support plate 57 fixed to an end of a second actuator 32 integral with the frame;

said first actuator comprising a first hydraulic jack having a first rod end 56 fixed to said yoke and a first cylinder end, wherein the rod slides, fixed to the plate;

said second actuator comprising a second hydraulic jack set with a vertical axis, which has a second rod end 35 fixed to said plate and a second cylinder end 33, wherein the rod slides, integral with said frame.

further including an articulation 49 for moving the chassis with respect to a fixed point on the frame;

wherein the chassis of the front supports are interlinked by means of a second articulation 78, at least one of the chassis cooperating with a third actuator 51a for rotating the chassis about a vertical axis.

a distribution circuit comprising a first slide valve 66a piloted by solenoid valves that supply said first hydraulic jack;

a third slide valve 66 controlled by said maneuvering system of said machine that supply the third hydraulic jack;

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a first position detector potentiometer 74 cooperating with said first hydraulic jack;
a third position detector potentiometer 81 cooperating with said third hydraulic jack;
an electronic control unit electrically coupled to said position detectors, and to said solenoid valves of said first slide valve.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beduhn et al., Miller, Miller et al., and Hudis disclose vehicles with multiple steered units.

7. Any inquiry concerning this communication should be directed to Kevin Hurley at telephone number (703) 308-0233.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 308-2571 (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT")


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Hand-delivered responses should be brought to Crystal Park 5, 2121 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist).

KTH
January 23, 2001

 1/23/01
Kevin T. Hurley
Primary Examiner
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